UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,057	09/18/2003	Frederick James Diggle III	BE1-0047US	7685

49584 7590 09/26/2006

LEE & HAYES, PLLC
421 W. RIVERSIDE AVE.
SUITE 500
SPOKANE, WA 99201

EXAMINER	
TIEU, BINH KIEN	

ART UNIT	PAPER NUMBER
2614	

DATE MAILED: 09/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/666,057	DIGGLE, FREDERICK JAMES	
	Examiner	Art Unit	
	BINH K. TIEU	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 September 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,10-15 and 20* is/are rejected.

7)☒ Claim(s) *6-9 and 16-19* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *09/18/03*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 10-15 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Jablway et al. (US. Pat. #: 4,536,703).

Regarding claim 1, Jablway et al. ("Jablway") teaches an apparatus for connecting a tone generator to a plurality of conductors in a communication line, said apparatus comprising:

an interconnect structure comprising:

a first plurality of leads (i.e., four wires 10, 11, 12 and 13 of cable 9 to be tested as shown in figures 1 and 4) comprising an electrically conductive portion having a first end (i.e., cable 9 having first end connected to the connector 14) and a second end (i.e., the second end of cable connected to a bank of terminals 16, 17, 18 and 19), wherein the first plurality of leads are commonly electrically attached at the first end (i.e., the first ends of wires of cable 9 commonly electrically attached to the connector 14, col.4, lines 1-8) and wherein the first end is configured to electrically attached to a tone generator (i.e., power wire 76 (Fig. 4), read on "pigtail" conductor, is configured to electrically attached to a test set 22 via a pushbutton switch 26, col.5, lines 21-43); and

a plurality of first electrical connection devices electrically attached to a plurality of corresponding leads of the first plurality of leads at the second end (i.e., second ends of the wires of cable 9 connected to a bank of terminals 16, 17, 18 and 19), a plurality of first electrical connection devices configured to engage a plurality of electrical conductors of a communication line to provide an electrical connection between the tone generator and a plurality of electrical conductors of the communication line (col.3, lines 44-68.and col.4, lines 1-11).

Regarding claims 2-3, note the power wire 76 is read on as the "pigtail" conductor for connected between the test set 22 and connector 14 for providing pulse signals to the wires 10-13 (col.5, lines 21-49).

Regarding claim 4, note the pushbutton switch 26 operable as an electrical connection device for releasably attaching the pigtail to the test device 22 as shown in figure 4.

Regarding claims 5 and 10, note figure 2, col.4, lines 1-31.

Regarding claim 11, Jablway teaches a system for testing a communication line (e.g., cable 9 as shown in figures 1 and 4) including a plurality of electrical conductors (such as conductors 10, 11, 12 and 13), the system comprising:

a tone generator (i.e., test set 22 as shown in figure 4) having a signal output terminal and a common return terminal (i.e., test set 22 as shown in figure 4); and

an interconnect structure electrically coupled to the tone generator, the interconnect structure comprising:

a first plurality of leads (i.e., four wires 10, 11, 12 and 13 of cable 9 to be tested as shown in figures 1 and 4) comprising an electrically conductive portion having a first end (i.e., cable 9 having first end connected to the connector 14) and a second end (i.e., the second end of

cable connected to a bank of terminals 16, 17, 18 and 19), wherein the first plurality of leads are commonly electrically attached at the first end (i.e., the first ends of wires of cable 9 commonly electrically attached to the connector 14, col.4, lines 1-8) and wherein the first end is configured to electrically attached to a tone generator (i.e., power wire 76 (Fig. 4), read on "pigtail" conductor, is configured to electrically attached to a test set 22 via a pushbutton switch 26, col.5, lines 21-43); and

a plurality of first electrical connection devices electrically attached to a plurality of corresponding leads of the first plurality of leads at the second end (i.e., second ends of the wires of cable 9 connected to a bank of terminals 16, 17, 18 and 19), a plurality of first electrical connection devices configured to engage a plurality of electrical conductors of a communication line to provide an electrical connection between the tone generator and a plurality of electrical conductors of the communication line (col.3, lines 44-68 and col.4, lines 1-11).

Wherein a single output tone signal (i.e., single test pulse such as pulse train 45) emitted by the tone generator is simultaneously distributed to a plurality of electrical conductors of the communication line (col.5, lines 37-43).

Regarding claims 12-13, note the power wire 76 is read on as the "pigtail" conductor for connected between the test set 22 and connector 14 for providing pulse signals to the wires 10-13 (col.5, lines 21-49).

Regarding claim 14, note the pushbutton switch 26 operable as an electrical connection device for releasably attaching the pigtail to the test device 22 as shown in figure 4.

Regarding claims 15 and 20, note figure 2, col.4, lines 1-31.

Allowable Subject Matter

3. Claims 6-9 and 16-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ward (US. Pat. #: 5,166,970) teaches a multi-conductor identifier with voice communication capability comprising two-unit devices, one is master unit and the other is slave unit, as shown in figure 1. The two devices are inter-connected to the multi-conductor as shown in figure 2. During operation, a person with the master unit selects a particular conductor by means of the switch, and an LED at the slave unit identifies the other end of the selected conductor. The two persons then communicate over the circuit being identified, and establish a label designation for the ends of the particular selected and identified conductor.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (571) 272-7510 and E-mail address: BINH.TIEU@USPTO.GOV.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (571) 272-7499 and **IF PAPER HAS BEEN**

MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL CUSTOMER SERVICE FOR THE SUBSTITUTIONS OR COPIES.

Any response to this action should be mailed to:
Commissioner of Patents and Trademarks
Washington, D.C. 20231
Or faxed to:
(571) 273-8300
Hand Carry Deliveries to:
Customer Service Window
(Randolph Building)
401 Dulany Street
Alexandria, VA 22314

In formation regarding the status of an application may be obtained from the Patent Application Information Retrieval (FAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the FAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BINH TIEU
PRIMARY EXAMINER

Technology Division 2614

Date: September 2006